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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/471,315	12/23/1999	Samuel N Zellner	99483	7258

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EXAMINER

ANWAH, OLISA

ART UNIT PAPER NUMBER

2645

DATE MAILED: 10/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/471,315	ZELLNER ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Olisa Anwah	2645	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 25 June 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) 9, 11, 12 and 17-26 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8, 10, 13-16 and 27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

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**DETAILED ACTION**

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 1-8, 10 and 27 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Miner et al, U.S. Patent No. 6,047,053 (hereinafter Miner) in view of Miner et al, U.S. Patent No. 6,021,181 (hereinafter the '181 Patent).

Regarding claim 1, Miner discloses a method of screening a caller prior to establishing a telephone connection between the caller and a callee (col. 33, lines 45-47), the method comprising:

receiving an indication from the callee of one or more callers that are authorized to be directly connected to the callee (see Figure 28);

receiving a telephone call from a caller (col. 32, lines 33-35);

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prompting the caller to speak a vocalization (col. 33, line 50);

receiving the vocalization when spoken the caller (col. 7, lines 49-51);

identifying the caller by analyzing the voice of the caller received when the caller speaks the vocalization (col. 33, lines 60-67), wherein the identifying comprises the steps of:

generating a first voice sample of the caller's voice when the caller speaks the vocalization; comparing the first voice sample to a second voice sample (col. 7, lines 53-55);

routing the telephone call to a telephone terminal for the callee if the identified caller is authorized to be directly connected to the callee (col. 34, lines 50-65).

With further respect to claim 1, Miner fails to disclose the vocalization is the name of the callee. However the '181 Patent discloses this limitation (see Figure 4A). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Miner with a method wherein the vocalization is the name of the callee as taught by the '181 Patent. This modification allows a caller to reach various persons as suggested by the '181 Patent (step 200).

Additionally, the cited portion of the '181 patent does not disclose the callee is a person. The cited portion teaches the

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callee is a machine. However the cited portion clearly shows that the system is able to route the caller's call to a person. According to step 200 from Figure 4A, the system prompt played to the caller is, "...Please say the name of the person you are trying to reach; "Bill Warner", "Jane", "Sally", "Pete" or anyone" (Examiner respectfully notes emphasis on "person"). While the cited example shows the caller responds by saying "Wildfire" (step 202), it is clear that the caller is also able to say "Jane". Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify the combination of Miner and the '181 Patent with a method wherein the callee is a person. This modification would allow a caller to reach a person as suggested by the '181 Patent (see Figure 4A).

Regarding claim 2, see col. 34, lines 50-65 of Miner.

Regarding claim 3, see col. 35, lines 10-15 of Miner.

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Regarding claim 4, see col. 35, lines 15-25 of Miner.

Regarding claim 5, see Figure 4A of the '181 Patent.

Regarding claim 6, see Figure 4A of the '181 Patent. Also see column 7 of Miner.

Regarding claim 7, see col. 7, lines 49-55.

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Regarding claim 8, see Figure 4A of the '181 Patent. Also see column 7 of Miner.

Claim 10 is rejected for the same reasons as claim 3.

Regarding claim 27, see Figure 4A of the '181 Patent.

3. Claims 13-16 are rejected under 35 U.S.C § 103(a) as being unpatentable over Miner combined with the '181 Patent in view of O'Brien, U.S. Patent No. 5,479,489 (hereinafter O'Brien).

Regarding claim 13, the combination of Miner and the '181 Patent does not disclose creating a database containing a plurality of digital text files, wherein each of the plurality of digital text files contains identification information for a different one of a plurality of callees. However O'Brien discloses this limitation (col. 1, lines 62-65 and col. 2, lines 1-5). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify Miner combined with the '181 Patent with the database

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taught by O'Brien. This modification allows storage space to be saved by saving information as text files as opposed to voice files.

Regarding claims 14 and 15, see col. 2, lines 43-47 and lines 54-55 of O'Brien.

Regarding claim 16, see col. 3, lines 10-14 of O'Brien.

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***Response to Arguments***

4. Applicant's arguments have been considered but are deemed to be moot in view of the new grounds of rejection.

***Conclusion***

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Olisa Anwah whose telephone number is 703-305-4814. The examiner can normally be reached on Monday to Friday from 8.30 AM to 6 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on 703-305-4895. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

Olisa Anwah  
Patent Examiner  
August 6, 2004

FAN TSANG  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600

